

JUN 14 2004

MAXYGEN

Intellectual Property
515 Galveston Drive
Redwood City, California 94063
USA
Telephone: (650) 298-5300
Facsimile: (650) 298-5446

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FACSIMILE COVER SHEET

DATE: June 14, 2004

Page(s): 2

FAX NO: (703) 872-9306

To: United States Patent and Trademark Office

(Mail Stop Amendment)

Commissioner for Patents

P.O. Box 1450

Arlington, Virginia 22313-1450)

From: Sharon Fujita

RE: U.S.S.N. 10/020,540

Please contact Sharon Fujita at (650) 298-5421 if you have any problems receiving this transmission.

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, at (703) 872-9306 (Mail Stop Amendment, Commissioner for Patents, P.O. Box, Arlington, Virginia 22313-1450), on:

JUNE 14, 2004
By: Sharon M. Fujita
Sharon M. Fujita

Attorney Docket No: 0173.210US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gusui Wu, et al.

Application No.: 10/020,540

Filed: October 30, 2001

For: STRAWBERRY VEIN BANDING VIRUS
(SVBV) PROMOTER

Examiner: Georgia L. Helmer

Art Unit: 1638

RESPONSE TO RESTRICTION
REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, Virginia 22313-1450

Sir:

In the Restriction Requirement mailed May 11, 2004, the Examiner restricted the claims and requires Applicants to elect a single nucleic acid from SEQ ID NO: 1, 2, 3, or 4. Responsive to the Restriction Requirement, Applicants hereby elect SEQ ID NO: 1.

The one month period for reply expires on June 11, 2004, which has been declared a National Day of Mourning in which the Federal Government is closed. The next succeeding business day is June 14, 2004. Accordingly, no fee is believed to be due in connection with this submission. The Commissioner is hereby authorized to charge any fee deficiencies in connection with this submission to Deposit Account 50-0990.

Respectfully submitted,

Sharon M. Fujita
Sharon M. Fujita
Attorney for Applicants
Reg. No. 38,459

June 14, 2004

MAXYGEN, INC.
Patent Department
515 Galveston Drive
Redwood City, CA 94063
Telephone: (650) 298-5421
Facsimile: (650) 298-5446
Customer No. 30560